

BEST AVAILABLE COPY**REMARKS**

This Amendment is responsive to the Office Action dated December 7, 2004. Applicants have amended claims 11, 27, 43, 49, 57 and 65. Claims 1-72 are pending.

As a preliminary matter, Applicants note that the Examiner's rejection of claims 6, 22 and 38 is unclear. For this rejection, the Examiner appears to have applied the Deschepper reference (USPN 6,094,700), but referred to the Deschepper reference as USPN 6,741,848 in the Office Action. This appears to be a typographical mistake by the Examiner, as USPN 6,741,848 was awarded to Timonen et al. and not Deschepper. For purposes of this response, Applicants have assumed that the rejection of claims 6, 22 and 38 is based on Rohrbach in view of Deschepper et al. (USPN 6,094,700).

Claim Rejections

In the Office Action, the Examiner rejected claims 1-5, 7-9, 11-13, 16-21, 23-25, 27-29, 32-37, 39-41, 43-45, 48-53, 56-61, 64-69 and 72 under 35 U.S.C. 102(b) as being anticipated by Rohrbach (USPN 5,898,783); rejected claims 6, 22 and 38 under 35 U.S.C. 103(a) as being unpatentable over Rohrbach in view of Deschepper et al. (USPN 6,094,700); rejected claims 10, 26 and 42 under 35 U.S.C. 103(a) as being unpatentable over Rohrbach in view of Eber et al. (USPN 6,595,414); and rejected claims 14, 15, 30, 31, 46, 47, 54, 55, 62, 63, 70 and 71 under 35 U.S.C. 103(a) as being unpatentable over Rohrbach in view of Timonen et al. (USPN 6,741,848).

Applicants respectfully traverse the rejections to the extent such rejections may be considered applicable to the amended claims. The applied references fail to disclose or suggest the inventions defined by Applicants' claims, and provide no teaching that would have suggested the desirability of modification to arrive at the claimed invention.

The primary reference (Rohrbach) applied by the Examiner in all pending rejections is completely unrelated to the inventions recited in Applicants' claims. Applicants' claims are directed to power management techniques that are executed within a wireless communication device to reduce power consumption by a subscriber identity module (SIM). In particular, the claimed techniques of claims 1, 17 and 33 describe the supply of power or the termination of power to a SIM based on whether a request is pending for service by the SIM or the device requests maintenance of power to the SIM. In this manner, the power management techniques recited in Applicants' claims permit power conservation within a wireless communication device

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(WCD) without undermining SIM performance. In accordance with claims 1, 17 and 33, power is terminated to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM.

In stark contrast to the features of Applicants' claims, the primary reference (Rohrbach) applied by the Examiner in all pending rejections describes techniques for remotely disabling a SIM to discourage theft and counterfeiting. The techniques of Rohrbach are not executed within a wireless communication device, but require communication between a wireless communication device and a telecommunication network. In Rohrbach, the communications network receives a code from a wireless communication device identifying the SIM card of the device. The communications network then compares the code received from the device to a list of codes in a disabling database of the network. If the code of the device is in the database, the network sends a disable command to the device, and the device prevents operation of the SIM card in response to such a disable command from the network. In this manner, Rohrbach provides the ability for a network to remotely disable the operation of a SIM card in order to combat theft and counterfeiting.

Independent claim 1 of the present application recites a method for controlling power to a subscriber identity module (SIM) in a wireless communication device (WCD). The method comprises supplying power to the SIM when a request is pending for service by the SIM; supplying power to the SIM when a software module running on the WCD requests maintenance of power to the SIM; and terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM. Independent claims 17 and 33 recite similar limitations to those of claim 1, in the context of a system (claim 17) and a computer readable medium (claim 33).

Rohrbach lacks any suggestion of the features recited in independent claims 1, 17, and 33. Again, Rohrbach describes techniques for remotely disabling a SIM to discourage theft and counterfeiting. In this sense, Rohrbach clearly lacks any suggestion of supplying power to the SIM when a request is pending for service by the SIM; supplying power to the SIM when a software module running on the WCD requests maintenance of power to the SIM; and terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM. Nothing in Rohrbach even remotely suggests these features.

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The passages of Rohrbach cited by the Examiner in rejecting claim 1 describe a process in which a WCD uses a SIM card to identify a user to a telecommunication network. As described in Rohrbach, the telecommunications network (not the device) searches a database and returns a disable command to the device if the unique code identifying the SIM card is found in the disable database of the network. Again, this is said to discourage theft and counterfeiting.

Searching a disable database in a communications network and returning a disable command to the device if the disable database identifies the SIM card of the device, per Rohrbach, has little or nothing in common with the features of claims 1, 17 and 33. These claims require terminating power to the SIM when no request is pending for service by the SIM and no software module running on the WCD requests maintenance of power to the SIM.

While the techniques of Rohrbach may cause termination of power to a SIM, such termination of power in Rohrbach is based on whether a network database identifies the SIM card, and not whether a request is pending for service by the SIM or whether a software module running on the WCD requests maintenance of power to the SIM, as recited in claims 1, 17 and 33. Thus, Rohrbach simply does not disclose or suggest the features of claims 1, 17 and 33.

The differences between Rohrbach and the pending claims are so fundamental that similar distinctions are also apparent between many of the dependent claims and Rohrbach. For example, dependent claim 2 further recites re-initiating supply of power to the SIM following termination of power to the SIM when a request from the WCD is pending for service by the SIM, and dependent claim 4 further recites re-initiating supply of power to the SIM when a software module running on the WCD requests supply of power to the SIM.

Rohrbach does not contemplate the re-initiation of power to the SIM when a request from the WCD is pending for service by the SIM, as recited in claim 2, nor the re-initiation of power to the SIM when a software module running on the WCD requests supply of power to the SIM, as recited in claim 4. Instead, the passage cited by the Examiner in rejecting claims 2 and 4 also describes a technique in which the WCD terminates power to the SIM in response to a disable command from the network. While the passage cited by the Examiner in rejecting claims 2 and 4 indicates that the SIM card may be re-enabled at some point, the cited passage lacks any suggestion of the re-initiation of power to the SIM when a request from the WCD is pending for service by the SIM, as recited in claim 2, or the re-initiation of power to the SIM when a software module running on the WCD requests supply of power to the SIM, as recited in claim 4.

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Presumably, Rohrbach only contemplates reinitiating power to the SIM card if and when that SIM card is removed from the network's disable database.

At this time, Applicants reserve further comment with regard to the other dependent claims of independent claims 1, 17 and 33. All of the pending rejections should be withdrawn in view of the clear differences between Rohrbach and the independent claims. For at least the reasons outlined above, Rohrbach is clearly not suggestive of the features of claims 1, 17 and 33 and the various dependent claims. Applicants do not acquiesce to any of the Examiner's rejections or characterizations of the prior art.

With respect to independent claims 49, 57 and 65, Applicants believe that these claims also are patentably distinguishable from Rohrbach and the other applied references insofar as these claims recite a process that occurs within a WCD. For purposes of additional clarity, Applicants have amended these claims to further clarify that the retrieved user access code is used in a security authorization process in the WCD to authorize use of secure features of the SIM. This should even more clearly distinguish these claims from the techniques of Rohrbach, which are not executed within a WCD, but take place in a telecommunication network and require communication between a WCD and the telecommunication network.

Again, as described in Rohrbach, the telecommunications network (not the device) searches a database and returns a disable command to the device if the unique code identifying the SIM card is found in the disable database of the network. In contrast, the features of claims 49, 57 and 65 require that the user access code retrieved from memory in the WCD is used in a security authorization process in the WCD to authorize use of secure features of the SIM.

Rohrbach lacks any suggestion of the retrieval of a user access code from the memory of a WCD, or the use of the retrieved user access code in a security authorization process in the WCD. Applicants' claimed invention recited in claims 49, 57 and 65 eliminates the need for a user to enter a code during a security authorization process in the WCD. This technique is particularly useful when power is terminated to a SIM for the power management techniques recited in independent claims 1, 17 and 33. In that case, following the re-initiation of power to the SIM, a user does not need to enter the code. Instead, the code is retrieved from memory in automated fashion to eliminate the need for a user to enter the code when power is re-supplied to the SIM.

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Dependent claims 11, 27 and 43 recite features similar to those of claims 49, 57 and 65 in the context of the power management techniques recited in independent claims 1, 17 and 33. Thus, dependent claims 11, 27 and 43 should be allowed for at least the reasons outlined above with respect to independent claims 1, 17 and 33 and independent claims 49, 57 and 65.

None of the Deschepper, Eber or Timornen references provides any teaching that ~~would~~ have led a person of ordinary skill in the art to modify the techniques of Rohrbach to arrive at the inventions recited in Applicants' claims. Like Rohrbach, each of the Deschepper, Eber and Timornen references is unrelated to the features of Applicants' claims.

Deschepper describes a serial bus system for sending frames of data, and appears to be completely unrelated to a SIM, much less techniques for managing power to a SIM within a wireless communication device. Eber describes a data carrier for receiving an amplitude modulated (AM) carrier signal, and also appears to lack any relevance to a SIM, much less techniques for managing power to a SIM within a wireless communication device.

Timornen describes techniques for temporality offering telecommunication services to a visiting device that is associated with a different network. In Timornen, the visited network gives the device a right to a temporary use of a telecommunication connection and establishes a connection with a third party in order to obtain a confirmation of paid services. Thus, Timornen is also completely unrelated to techniques for managing power to a SIM within a wireless communication device.

Given the clear and fundamental differences between the pending claims and the applied references, Applicants believe that all pending claims should be allowed over the prior art of record. Rohrbach, Deschepper, Eber or Timornen are all unrelated to the features of the pending claims.

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Conclusion

For at least the reasons outlined above, all claims in this application are in condition for allowance. Applicants do not acquiesce to any of the Examiner's rejections or characterizations of the prior art, and reserve the right to present additional arguments on the record. Applicants respectfully request reconsideration and prompt allowance of all pending claims. Please charge any additional fees or credit any overpayment to deposit account number 17-0026. The Examiner is invited to telephone the below-signed attorney to discuss this application.

In light of the amendments contained herein, Applicants submit that the application is in condition for allowance, for which early action is requested.

Please charge any fees or overpayments that may be due with this response to Deposit Account No. 17-0026.

Respectfully submitted,

Dated: February 24, 2005By: 

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